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MAR 23 2006

Examiner: Owens, Jr.
In re:

Art Unit: 1623

U.S. Application

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Inventor: EPSHTEIN

Serial No.: 09117838

Filed: 08/12/1998

DECLARATION OF UNOBUVIOUSNESS

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03/23/06
ILYA ZBROVSKY



Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia

Sir:

With the present Declaration, I, Tatyana A. Voronina, declare
that I am Head of Laboratory of Psycho Pharmacology of Scientific Research
Institute of Pharmacology of Russian Academy of Medical Sciences in
Moscow. I am also a Laureate of State Award of the USSR, of the award of

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the government of Russian Federation in Science and Industry, and I am a professor and Doctor of Medical Sciences at 125315, Moscow, ul. Baltijskaya 8, Russia.

I familiarized myself with the subject matter of the above identified application and new features of the present invention as defined in the claims submitted with the Simultaneous Amendment of February 22, 2004, and also with the U.S. patent to Amitai.

In accordance with the invention of Dr. O. Epshtain, a method of making a medication is proposed, in which a medication is made from an active medicinal substance produced in therapeutic dose and a potentiated medicinal substance produced by a homeopathic method. The invention also deals with a medication produced by the inventive method.

In the medical science and medical practice it is known to use medicinal substances in therapeutic doses. It is also known to use medicinal substances in homeopathic doses or produced by a homeopathic process. It was not known before Dr. Epshtain's invention to make a medication, and to use a medication which includes an active medicinal substance in a therapeutic dose and a potentiated medicinal substance produced by a

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homeopathic method. These features are also not disclosed in the patent to Amitai.

We reviewed the medical results achieved by Dr. Epstein's use of his new medication and they prove that these results are different from the results obtained either with the use of medications in which certain substances are used in therapeutic dose, or medications in which the same substances are used in homeopathic doses only.

It clearly shows that Dr. Epstein's invention is new, it is not disclosed in the patent to Amitai, it is not known in medical science and practice.

It is clearly unobvious because in the medical practice it has been accepted that a medical treatment can be performed either with the use of medications having corresponding substances in a therapeutical dose, or alternatively to provide a medical treatment with the use of medications having a corresponding substance in homeopathic dose. Never before it was contemplated to produce and use a medicinal substance which combines these two different approaches and produces a new, unobvious and highly advantageous results in providing a new, more efficient.

It is believed that Dr. Epshtain's invention clearly and patentably distinguishes from the prior art, and his patent application should be allowed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Tatyana A. Voronina